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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,768	02/18/2000	Sergio Lazzarotto	4617	8618

758   7590   06/09/2003

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EXAMINER
LEE, TIMOTHY L

ART UNIT	PAPER NUMBER
2697	

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Action
mailed on 4/17/03
Withdrawn

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09/507,768	02/18/2000	Sergio Lazzarotto	4617	8618

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EXAMINER
LEE, TIMOTHY L

ART UNIT	PAPER NUMBER
2697	16

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-33_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _18 February 2000_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4,6,8,9_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

do not include the following reference sign(s) mentioned in the description: 415. A proposed

drawing correction or corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker et

al. (US 6,006,105) in view of Freeburg et al. (US 5,940,381).

4.   Regarding claims 1, 9, 11, 17, 18, 19, 28, 30, 31, and 33, Rostoker et al. discloses a

wireless communications device that is able to self-adapt to various operating frequencies and

communications protocols so that the device is able to provide communications in several

service areas. See Abstract. Looking at Figure 4, it can be seen that the device can receive

signals in the 800 MHz/900 MHz range as well as the 1800 MHz/1900 MHz range. The TDMA,

CDMA, and GSM protocols can be available in either frequency range depending on the

location. See col. 4, lines 4-20. The operating frequency of these transceiver sections is selected

by the micro-controller (processing an output signal from one of a first communication system

operating in a first frequency range pursuant to a first protocol or a second communication

system operating in a second frequency range pursuant to a second protocol; receiving the output

signal at a microcontroller unit). See also col. 11, lines 33-49. One or more of these transceiver

sections can be operable at a particular time. See col. 11, lines 58-61. The interface with circuit

portion 138 in Fig. 6 allows circuit 200 to participate in sorting and recognizing various types,

formats, and protocols of communication signals which may be received by the device 122; the

device is able to self-adapt to a wide variety of high communication formats and protocols

(identifying whether the first system operating in the first frequency range or second

communication system operation in the second frequency range sent the output signal). See col.

13, lines 28-53. After determining the type of data and the protocol used, the device has

adaptation branches 214*a* and 214*b* that can process the data, which includes graphics, video

imaging, and data transmission of various protocols and standards (implementing the protocol

that corresponds to the identified communication system). See col. 13, line 52-col. 14, line 30.

Rostoker et al. does not expressly disclose an output signal comprised of a number of data

packets. Freeburg et al. discloses that CMDA communications can take place over packets that

include call numbers and ID information. Inherently, these packets should include information

on its protocol and frequency or else a system in a region that carries multiple data formats and

protocols would not be able to tell the packets apart from one another. It would have been

obvious to a person of ordinary skill in the art at the time of the invention to transmit the output

signals using data packets and have the system identify the protocol based on the information

stored in the packet. One of ordinary skill in the art would have been motivated to do this

because packets are a common method of sending data across networks, and having the system

recognize the protocol through the packet header information is a simple step, and the system

must have some way of determining how to handle the various types of data that the device is capable of receiving.

5.   Regarding claims 7, 11, 21, and 32 more specifically, the provisions for processing the first and second processes are all contained within the device 22, where the microcontroller determines which adaptation (e.g. GSM vs. CDMA) the device should implement. In this case, if CMDA is considered the "second communication system", then it has it's own microcontroller 58 in Fig. 4 (second communication has a microcontroller unit having a first process for detecting and processing the second output signal). Likewise, it has a first process for detecting and processing from a first communication system. The device also has the capability of providing a "second process" for detecting and processing a first output signal, which in this example would be GSM. The two processes can also be characterized as being in different sections. See Fig. 4. The microcontroller is certainly a component of the one of the first communication system and the second communication system—without it, there would be no way that the device could communicate with the base station, and thus, no communications would take place.

6.   Regarding claim 33 more specifically, the microconroller must know how to operate in some manner, so it must be reading its instructions from some computer readable medium.

7.   Regarding claims 2, 12 and 22, a signal that can carry graphics and video image communication signals can be considered a broadband signal (output signal is one of a baseband signal and a broadband signal). See col. 13, lines 49-62.

8.   Regarding claims 3-6, 13-16, and 23-26, as mentioned previously, one of the RF frequency ranges can be 900 MHz and the other can be at 1900 MHz (first communication

system operates from about 800 MHz to 1 GHz; second communication system operative from

1.8 GHz to 2.0 GHz).

9.   Regarding claims 8 and 27, neither Rostoker et al. nor Freeburg et al. expressly discloses

decoding a set of MAC information associated with the output signal, but it would have been

obvious that such a step would take place if data packets are transmitted. One would have been

motivated to do this because there are certain layers that a packet must pass through in order to

be processed, and the MAC layer is one of them.

10.   Regarding claims 10 and 29, if the system encounters an unfamiliar protocol, the user can

request that the protocol be downloaded from the system. Until that download occurs, the device

will not receive data that is not "valid"—if the data is something that the system recognizes, then

it will proceed normally (verifying data associated with the output signal is valid; responsive to

the data being valid, transmitting the data to a data port that is coupled to the MCU). See col. 31,

lines 16-20.

11.   Regarding claim 20, the microcontroller interfaces with a microcontroller RAM which

acts as memory (MCU has a memory that is configured).

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Rostoker et al. (US 5,793,416), Gillig et al. (US 4989,230), and Tayebi et al. (US

6,373,827) disclose systems that can handle multiple protocol systems.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Timothy Lee whose telephone number is (703)305-7349. The

examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (703)305-4789. The fax phone numbers for the

organization where this application or proceeding is assigned are (703)746-9420 for regular

communications and (703)746-9420 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)305-4700.

TLL
April 2, 2003

RICKY NGO
PRIMARY EXAMINER